REGD. GOA - 5

Panaji, 2nd April, 1981 (Chaitra 12, 1903)

SERIES II No. 1

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 6/8/74-PER (Vol. II)

Read: Government order No. 4/17/74-PER (Vol. II) (Part), dated 26/2/1981.

The Administrator of Goa, Daman and Diu is pleased to transfer and post Shri A. Venkataratnam, Grade I officer of Goa, Daman and Diu Civil Service, who has been relieved from the post of Collector, Daman on 5-3-1981, as Project Officer in the Directorate of Industries and Mines, Panaji with immediate effect.

2. Shri A. Venkataratnam who is now awaiting his posting order, shall take over the charge of the new assignment at Daman i. e. outside the Headquarters.

3. The period from 5-3-1981 till the date he takes over charge of the post of Project Officer, on receipt of this order shall be treated as "awaiting posting orders" and he shall be paid for this period against the budget provision made for the post of Project Officer in the Directorate of Industries and Mines.

4. With effect from the date, Shri A. Venkataratnam takes over the post of Project Officer, he is sanctioned leave for 120 days. The nature of leave will be notified later on.

5. Certified that Shri A. Venkataratnam would have continued to officiate as Project Officer, Directorate of Industries and Mines, but for his proceeding on leave.

By order and in the name of the Administrator of Goa, Daman & Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 24th March, 1981.

Order

No. 5/32/77-PER (Vol. II)

Read: — Order of even number dated 3-3-1981.

In partial modification of Government Order referred to above, Dr. O. P. Bhargava, Dean, Goa Medical College, is relieved of the post of Dean, Goa Medical College, Panaji, with effect from 30-3-1981 (A. N.) to report for duty to the Director, JIPMER, Pondicherry.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 28th March, 1981.

Secretariat Administration and Coordination Division

Order

No. PER/767/SA&C

Read; 1. Govt. Order No. 1/8/76/SA&C dated 5th February, 1980.

2. Govt. Order No. PER/755/SA&C dated 26th April, 1980.

In partial modification of Govt. Order No. 1/8/76-SA&C dated 5th February, 1980, published in the Official Gazette, Series II, No. 46 dated 15-2-1980, Shri Armando Mascarenhas, Enquiry Officer, City Survey, Mormugao, Vasco da Gama is appointed as Private Secretary to the Hon'ble Health Minister, Government of Goa, Daman and Diu, Secretariat, Panaji in the pay scale of Rs. 650-960 (Group 'B' Gazetted) on deputation for a period of three years in the first instance with effect from 7th February, 1980 (F. N.) on the terms and conditions available in the Government of India, Ministry of Finance, Office Memorandum No. F. 10(24)-E-15/60 dated 4th May, 1961 amended from time to time.

During the period of deputation, Shri Mascarenhas shall draw salary as per the Rule 8.1 of Appendix 31 of C. S. R. Vol. II (Part II).

By order and in the name of the Administrator of Goa, Daman and Diu.

Damaso Rebelo, Under Secretary (SA&C).

Panaji, 25th March, 1981.

Home Department (General)

Order

No. 13/2/80/HD (G)

In exercise of the powers conferred by section 9(1) of the National Security Act, 1980 (No. 65 of 1980), the Administrator of Goa, Daman and Diu hereby constitutes the Advisory Board for the purpose of the said Act as follows: —

1. Shri Justice S. K. Dessai, Judge Bombay High Court, Bombay — Chairman.
2. Dr. G. F. Couto, District and Sessions Judge, Panaji — Member.
3. Shri P. J. Mulgaonkar, Advocate, Alto Porvorim, Bardez-Goa — Member.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Home).

Panaji, 27th March, 1981.

Local Administration and Welfare Department

Order

No. 5-23-71-LSG

In exercise of the powers conferred by Sub-section (1) of Section 17 of the Goa, Daman and Diu Prevention of Begging Act, 1972 (Act No. 4 of 1973) the Government of Goa, Daman and Diu hereby appoints Kum. Kishori Sadekar as Probation Officer for the purposes of the said Act in addition to her own duties. Kum. Kishori Sadekar shall not be entitled to claim any additional remuneration thereunder. She shall be allowed to use the vehicle of the Provedoria for performing her duties under the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 20th March, 1981.

Revenue Department

Notification

No. RD/LQN/37/79

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for Desilting and Construction of Tank Bund at Korkhand Harmal, Pernem.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector, Goa North Division, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Deputy Collector, Goa North Division, Panaji.
3. The Executive Engineer, Works Division V, P.W.D., Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector Goa North Division, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Pernem	Harmal	—	141/1	1. Rajendra V. Deshprabhu. 2. Naguesh R. Deshprabhu. 3. Anant R. Deshprabhu. 4. Yeshawant R. Deshprabhu. 5. Gunaji Y. Deshprabhu. 6. Balkrishna L. Deshprabhu. 7. Ghanayam P. Deshprabhu. 8. Amrut Naguesh Deshprabhu.	
2.	—do—	—do—	—	141/2	1. Rajendra V. Deshprabhu. 2. Naguesh R. Deshprabhu. 3. Yeshwant R. Deshprabhu. 4. Gunaji Y. Deshprabhu. 5. Balkrishna L. Deshprabhu. 6. Ghansyam P. Deshprabhu. 7. Amrut Naguesh Deshprabhu.	
3.	—do—	—do—	—	141/3	1. Rajendra V. Deshprabhu. 2. Naguesh R. Deshprabhu. 3. Anant R. Deshprabhu. 4. Yeshwant R. Deshprabhu. 5. Gunaji Y. Deshprabhu. 6. Balkrishna L. Deshprabhu. 7. Ghansyam P. Deshprabhu. 8. Amrut N. Deshprabhu.	
4.	—do—	—do—	—	141/4 to 115 in which 30 & 61	1. Rajendra V. Deshprabhu. 2. Naguesh R. Deshprabhu.	

1	2	3	4	5	6	7
5.	Pernem	Harmal	—	142/0	1. Rajendra V. Deshprabhu. 2. Naguesh R. Deshprabhu. 3. Anant R. Deshprabhu. 4. Yeshwant R. Deshprabhu. 5. Gunaji Y. Deshprabhu. 6. Balkrishna L. Deshprabhu. 7. Ghansyam P. Deshprabhu. 8. Amrut N. Deshprabhu.	
6.	— do —	— do —	—	140/0	1. Rajendra V. Deshprabhu. 2. Naguesh R. Deshprabhu. 3. Anant R. Deshprabhu. 4. Yeshwant R. Deshprabhu. 5. Gunaji Y. Deshprabhu. 6. Balkrishna L. Deshprabhu. 7. Ghansyam P. Deshprabhu.	
7.	— do —	— do —	—	140/0	8. Amrut N. Deshprabhu. *Boundaries:* North: Survey No. 207. South: Survey No. 141/2 (Part). East: Survey No. 140. West: Survey No. 142.	5,410.63
					Total	5,410.63

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 3rd March, 1981.

Notification

No. 22/87/80/RD

Whereas by Government Notification No. 22/87/80/RD dated 10-11-80 published on page 466 of Series II, No. 35 of the Official Gazette, dated 27-11-80 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. For Construction of quarters for the staff of Police Station at Pernem.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Deputy Collector, Goa North, Division Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Deputy Collector Goa North Division Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Pernem	Pernem	1	497/5 (Part)	Shri Sitaram Ghanashyam S. Dessai.	3,644.00
2.	— do —	— do —	2	497/11 (Part)	— do — *Boundaries:* North: S. No. 497/5. South: S. No. 497/5. East: S. No. 497/5 West: S. No. 497/5.	16.00 (ruined house)
					Total	3,660.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 9th March, 1981.

Notification

No. 22/26/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for Construction of road from Velsao to Dando.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, Public Works Department (Cell), Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P. W. D. (Cell), Panaji.
3. The Executive Engineer, Works Division VIII, P. W. D., Fatorda, Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P. W. D. (Cell), Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot. No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Mormugao	Velsao	1	68/2	Smt. Climintina Dias. North: S. No. 71/1+9. South: Road. East: S. No. 69/1 to 5. West: S. No. 68/1.	12.00
2.	— do —	— do —	2	68/1	Shri Peregrino Godinho. Father Manuel D'Souza. Shri Amelo Pereira. Shri Cruz Leitao. North: S. No. 71/+9. South: Road. East: S. No. 68/2. West: S. No. 67/1+4.	725.00
3.	— do —	— do —	3	71	Shri Venktesh Karangate. North: S. No. 73. South: S. No. 67/4 & 68/2. East: S. No. 70/1=6+8&9. West: S. No. 72 & 67/1.	2400.00
4.	— do —	— do —	4	67/1	Shri Paulo Pinto. North: S. No. 71 & 72. South: S. No. 67/2+7+8+9 & 10. East: S. No. 71 & 68/1. West: Beach.	150.00
5.	— do —	— do —	5	73	Shri Antonio Dias. North: Village boundary. South: S. No. 71. East: S. No. 74/1 & 15/9. West: Beach.	1075.00
6.	— do —	— do —	6	5/3	Church Property. North: S. No. 5/2. South: Village Boundary. East: S. No. 75/4. West: Beach.	900.00
7.	— do —	— do —	7	5/2	Shri Tolotinho E. B. North: S. No. 5/1. South: S. No. 5/3. East: S. No. 15/4. West: Beach.	285.00
8.	— do —	— do —	8	5/1	Shri Thomas Furtado. North: S. No. 6. South: S. No. 5/2. East: S. No. 15/4. West: Beach.	370.00
9.	— do —	— do —	9	6 Part	North: S. No. 8/10 to 15. South: S. No. 5/1. East: S. No. 7/5 & 15/4. West: Beach.	850.00

1	2	3	4	5	6	7
10.	Mormugao	Velsao	10	8/10	Shri Constancio A. Carvalho. North: S. No. 8/7-13. South: S. No. 6. East: S. No. 8/11-14. West: S. No. 8/9.	195.00
11.	— do —	— do —	11	8/13	Shri Cassiano Rodrigues. North: S. No. 8/10. South: S. No. 6. East: S. No. 8/10. West: S. No. 8/12.	32.50
12.	— do —	— do —	12	8/7	Smt. Juliena Barbosa. North: S. No. 8/6. South: S. No. 8/9-10. East: S. No. 8/7. West: Beach.	137.50
13.	— do —	— do —	13	8/3	Shri Manuel Lourence Fernandes. Smt. Maria Barbosa. North: S. No. 8/1. South: S. No. 8/6. East: S. No. 8/4. West: Beach.	250.00
14.	— do —	— do —	13A	8/6	Shri Lourence Rodrigues. North: S. No. 8/3. South: S. No. 8/7. East: S. No. 8/4. West: Beach.	50.00
15.	— do —	— do —	14	8/1	Shri Thomas Furtado. North: S. No. 9/1. South: S. No. 8/3-4-5. East: S. No. 7/2. West: Beach.	437.50
16.	— do —	— do —	15	10	Shri Elisou D'Souza. North: S. No. 11/1-2. South: S. No. 8/1. East: S. No. 9/1 and nala. West: Beach.	2610.00
17.	— do —	— do —	16	11/1	North: S. No. 12/18. South: S. No. 10. East: S. No. 11/12. West: Beach.	1660.00
18.	— do —	— do —	17	12/18	Shri Viterno Carvelho. North: S. No. 12/16-17. South: S. No. 11/1. East: S. No. 12/19. West: Beach.	150.00
19.	— do —	— do —	18	12/16	Smt. Agusta Bento Carvalho. North: S. No. 12/15. South: S. No. 12/18. East: S. No. 12/17. West: Beach.	250.00
20.	— do —	— do —	19	12/15	Shri Clemente Carvalho. North: S. No. 12/14. South: S. No. 12/16. East: Nala. West: Beach.	70.00
21.	— do —	— do —	20	12/14	Shri Barbosa. North: S. No. 12/13. South: S. No. 12/15. East: Nala. West: Beach.	112.50
22.	— do —	— do —	21	12/13	Shri Pedrinho Benelto. North: S. No. 12/12. South: S. No. 12/14. East: Nala. West: Beach.	237.50
23.	— do —	— do —	22	12/12	Shri F. Carvalho. North: S. No. 12/11. South: S. No. 12/13. East: Nala. West: Beach.	25.00
24.	— do —	— do —	23	12/11	Convent. North: S. No. 12/10. South: S. No. 12/12. East: Nala. West: Beach.	62.50

1	2	3	4	5	6	7
25.	Mormugao	Velsao	24	12/10	Shri Pedrinho Pereira. North: S. No. 12/9. South: S. No. 12/11. East: Nala. West: Beach.	37.50
26.	— do —	— do —	25	12/9	Shri Clemente Carvalho. North: S. No. 12/7. South: S. No. 12/10. East: Nala. West: Beach.	75.00
27.	— do —	— do —	26	12/7	North: S. No. 12/6. South: S. No. 12/9. East: S. No. 12/8. West: Beach.	125.00
28.	— do —	— do —	27	12/6	North: S. No. 12/2. South: S. No. 12/7. East: S. No. 12/4. West: Beach.	155.00
29.	— do —	— do —	28	28/2	Shri Floriando Carvalho. North: S. No. 12/1. South: S. No. 12/6. East: S. No. 12/4. West: Beach.	400.00
30.	— do —	— do —	29	12/1	Shri Roldao Souza. North: S. No. 15/9. South: S. No. 12/2. East: S. No. 12/4 & pond. West: Beach.	410.00
31.	— do —	— do —	30	15/9	Shri Este Pereira. North: S. No. 15/8. South: S. No. 12/1. East: Nala. West: Beach.	220.00
32.	— do —	— do —	31	15/8	Shri Francisco Coelho. North: S. No. 15/6. South: S. No. 15/9. East: Nala. West: Beach.	237.00
33.	— do —	— do —	32	15/7	North: S. No. 15/6. South: S. No. 15/8. East: Nala. West: Beach.	230.00
34.	— do —	— do —	33	15/6	Fabrica de Igreja de Velsao. North: S. No. 15/5. South: S. No. 15/7. East: Nala. West: Beach.	130.00
35.	— do —	— do —	34	15/5	Shri Mauzinho D'Souza. North: S. No. 15/4. South: S. No. 15/6. East: Nala. West: Beach.	200.00
36.	— do —	— do —	35	15/4	Shri Benicio de Sa Rebello. North: S. No. 15/3. South: S. No. 15/5. East: Nala. West: Beach.	200.00
37.	— do —	— do —	36	15/3	North: S. No. 15/2. South: S. No. 15/4. East: Nala. West: Beach.	250.00
38.	— do —	— do —	37	15/2	North: S. No. 15/1. South: S. No. 15/3. East: Nala. West: Beach.	250.00
39.	— do —	— do —	38	15/1	North: S. No. 17/1-6. South: S. No. 15/2. East: Nala. West: Beach.	425.00
					Total	16392.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 13th March, 1981.

Notification

No. 22/25/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For Construction of road to Naikabhat Village at Sao Jose de Areal.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Land Acquisition Officer, P.W.D. (Cell), Altinho, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Land Acquisition Officer, P.W.D. (Cell), Altinho, Panaji.
3. The Executive Engineer, Works Division VIII P.W.D. Fatorda Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Land Acquisition Officer, P.W.D. (Cell) Altinho, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot. No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Salcete	Sao Jose de Areal	—	294/1 (Part)	A) Shri V. F. Mascarenhas. B) — do — *Boundaries:* North: Survey No. 294. South: Survey No. 294 Sub. Div. No. 2. East: Road. West: Survey No. 294 Sub. Div. No. 1 (Part).	120.00 40.00
					Total	160.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 11th March, 1981.

Notification

No. 22/28/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For Construction of Sub-Health centre including Staff Quarters at Bhati, Sanguem.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector (Land Acquisition Officer) Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Deputy Collector (Land Acquisition Officer), Panaji.
3. The Director of Health Services, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector (Land Acquisition Officer) Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Sanguem	Bhati	—	95/3 (Part)	1. Nilkant Bhatikar. 2. Jaikrishna Bhaticar. 3. Prabhakar Bhatikar. *Boundaries:* North: Survey No. 95/3. South: Survey No. 95/3 (Footpath). East: Road. West: Survey No. 95/3.	2,300.00
					Total	2,300.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 9th March, 1981.

Notification

No. 22/148/80/RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For Construction of Government Primary School Building at Khedem--Priol, Ponda.

Therefore the Government is pleased to notify under sub--section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector (Land Acquisition Officer), Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub--section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Deputy Collector (Land Acquisition Officer), Panaji.
3. The Director of Education, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector (Land Acquisition Officer), Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Ponda	Priol	—	69/0	Smt. Gangabai R. Kelekar. Shri Girish Ravindra Kelekar.	1,025.00
				91/0	Shri Sumant Kelekar and Other.	275.00
					Boundaries: North: Survey No. 69. South: Survey No. 91 & road. East: Survey No. 69 & 91. West: Survey No. 69 & 91.	
					Total	1,300.00

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 9th March, 1981.

Notification

No. 22/27/81-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For Construction of Road leading from Main Road to Rural Industries Project, at Anandwadi, Siroda.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector (Land Acquisition Officer) Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Deputy Collector (Land Acquisition Officer) Panaji.
3. The Director of Industries and Mines, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector (Land Acquisition Officer) Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Ponda	Siroda	—	614/1 (Part)	1. Harishchandra Monu Parwar. 2. Dattaram Yeku Parwar. 3. Laxman Dhaku Parwar. 4. Madhu Deu. *Boundaries:* North: Road. South: Survey No. 614/2. East: Survey No. 614/1. West: Survey No. 614/1.	400.00
					Total	400.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 11th March, 1981.

Notification

No. 22/146/80-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for Construction of Government Primary School Building at Talulem-Bandora, Ponda.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector, Land Acquisition Officer, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Deputy Collector (Land Acquisition Officer), Panaji.
3. The Director of Education, Panaji.
4. The Director of Land Survey.

6. A rough plan of the said land is available for inspection in the office of the Deputy Collector Land Acquisition Officer, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Ponda	Bandora	—	82/5	1. Shri Anand Narayan Bandodkar.	300.00
				82/6	1. Shri Ramchandra Naik Gaunekar. 2. Shri Gajanan Tato N. Gaunekar. 3. Shri Vishno Soiry N. Gaunekar. T: 1. Deu Babuso Naik. 2. Kushali Datta Naik. *Boundaries:* North: Survey No. 82/4. South: Survey No. 82/7 East: Road. West: Survey No. 81.	925.00
					Total	1,225.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 9th March, 1981.

Notification

No. RD/LQN/176/79

Whereas by Government Notification No. RD/LQN/176/79 dated 28-5-79 published on page 124-125 of Series II, No. 12 of the Official Gazette, dated 21-6-79 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Construction of Stackyard at Curti-Ponda.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Deputy Collector, Land Acquisition Officer, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Deputy Collector, Land Acquisition Officer, Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Ponda	Curti		78	1. Madhav Atmaram Sahakari. 2. Bala Atmaram Sahakari. 3. Ashok A. Sahakari. 4. Krishna A. Sahakari.	9,700.00
					Total	9,700.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 9th March, 7981.

Notification

No. 22-122-80-RD

Whereas by Government Notification No. 22-122-80-RD dated 18-11-80 published on page 521-522 of Series II, No. 37 of the Official Gazette, dated 11-12-80 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. For Construction of approach and diversion road to the bridge at Cotarli.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, Sanguem to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Special Land Acquisition Officer, Sanguem till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Sanguem	Cotarli	—	38	Gurudas Timblo.	375.00
					Total	375.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 9th March, 1981.

Notification

No. RD/LQN/9/79

Whereas by Government Notification No. RD/LQN/9/79 dated 22-1-79 published on page 519 of Series II, No. 45 of the Official Gazette, dated 8-2-79 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred as the "said land") was likely to be needed for the public purpose viz. Construction of Stackyard and Godown for P. H. E. complex at Ponda.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the Act, the Deputy Collector Land Acquisition Officer, Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Deputy Collector Land Acquisition Officer, Panaji till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
1.	Ponda	Ponda	196	1/Part	Shri Agnelo Pires. Shri Joel de Aguiar. Shri Luwina Coutinho. *Boundaries:* North: Sub-Division No. 1 Part of Survey No. 196. South — do — East: — do — West: Sub-Division No. 1 part of Survey No. 196.	4,200.00
					Total	4,200.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 9th March, 1981.

Notification

No. RD/LQN/133/79

The Notification No. RD/LQN/133/79 dated 25-4-1979 regarding construction of road from Mekhardmol to Mokhard in Canacona Taluka admeasuring 5,450.00 sq. mts. published in the Official Gazette No. 6 Series II dated 10-5-1979, is hereby cancelled with immediate effect.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 26th March, 1981.

Corrigendum

No. RD/LQN/390/77

In Government Notification of even number dated 10-12-1980 published on page 557, Series II, No. 38 of the Official Gazette dated 18-12-1980 against the name of Village appearing in column No. 3 of plot No. 1 should be read as "Massordem" instead of "Valpoi".

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. Regunathan, Secretary (Revenue).

Panaji, 16th March, 1981.

Public Health Department

Order

No. 71/105/79-PHD

Whereas Dr. Luis Raimundo Rodrigues, Assistant Medical Officer, Goa Medical College, Panaji has given notice for premature retirement in terms of F. R. 56(k) that he will retire from service from the afternoon of 31st March, 1981.

Now, the Administrator of Goa, Daman and Diu being the appropriate authority under F. R. 56(k) hereby directs that on expiry of his notice period Dr. Luis Raimundo Rodrigues stands retired from Government service with effect from the afternoon of 31st March, 1981.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 24th March, 1981.

Order

No. PHD/75(1)/74-Promotion/4980(11)

Government is pleased to promote on ad-hoc basis with immediate effect Dr. F. Mario J. Lopes, Chief Medical Officer (V.D.) to the post of Dy. Director (PH) in the Directorate of Health Services, Panaji.

The above appointment will not bestow on the person the claim for regular appointment and the service rendered on ad-hoc basis in the grade would not count for the purpose of Seniority in that grade or eligibility for promotion to the next higher grade.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 27th March, 1981.

Order

No. 5/236/80-PHD

Shri S. S. Rana, Psychiatric Social Worker, Institute of Psychiatry and Human Behaviour, Panaji is hereby relieved of his post with effect from the date of his relief in order to enable him to accept the new post of Senior Investigator, in the Commission for Scheduled Castes and Scheduled Tribes, New Delhi.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Health).

Panaji, 27th March, 1981.

Industries and Labour Department

Order

No. 2/77/80-ILD

On the recommendations of the Departmental Promotion Committee, Shri S. Venkataramaiah, Junior Engineer (Civil) working in the Electricity Department, is hereby promoted to the post of Assistant Engineer (Civil) in the Pay scale of Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200 with immediate effect. He is posted in the Electrical O & M and Construction, Circle II, Panaji.

By order and in the name of the Administrator of Goa, Daman & Diu.

M. Modassir, Under Secretary (Industries & Labour).

Panaji, 24th March, 1981.

Finance Department (Revenue and Control)

Notification

No. 1/3/80-Fin(R&C)

In exercise of the powers conferred by Section 42 of the Goa, Daman and Diu Excise Duty Act, 1964 (Act 5 of 1964) the Government of Goa, Daman and Diu, being of the opinion that reasonable grounds exist for doing so, hereby exempts M/s. Akbaralli Habib Veljee, Panaji from the provisions of clause (a) of sub-rule (4) of rule 90 of the Goa, Daman and Diu Excise Duty Rules, 1964.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

A. P. Panvelkar, Under Secretary (Finance).

Panaji, 19th March, 1981.

Law Department (Legal Advice)

Notification

No. LD/7/1/80-LGL

The following order of Ministry of Steel and Mines (Department of Mines) Nagpur, is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary.

Panaji, 3rd March, 1981.

GOVERNMENT OF INDIA

MINISTRY OF STEEL AND MINES

(Department of Mines)

THE CONTROLLER OF MINING LEASES FOR INDIA

Case No. Z-307

Order

(Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956)

Whereas a case was registered for the modification of terms of a mining lease dated 19-6-1953 for Iron and Manganese ore held by Shri Keshav S. Naik, Administrator of Shri and Smt. Sripad V. Naik Estates, Proporties and Mines, Panaji (Goa), for unlimited period, area 67.4000 Hectares in Village Laquerem, Bordem of Taluka Bicholim (Goa) of Union Territory of Goa, Daman and Diu

And Whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows: —

(i) Period: — The period of the lease shall be 20 years counting from 1-10-1963.

(ii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof: —

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines and Minerals (Regulation and Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines and Minerals (Regulation and Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining

operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa, Daman and Diu and copies thereof be sent to the lessee and the State Government.

Sd/-.

(H. N. WANARE)

Controller of Mining Leases for India.

Nagpur:

Dated the 7th February, 1981.

Note embodying the Facts of Case, Pleas of the Parties and Reasons for the Order:

Case No. Z — 307:	Order dated 7-2-1981
Name of the Lessee:	Shri Keshav S. Naik, Administrator, Shri and Smt. Sripad V. Naik Estates, Properties & Mines, 2/5, Datta Prasad Building, Afonso de Albuquerque Road, Panaji (Goa).
Date of the lease:	Title No. 54 of 19-6-1953.
Mineral:	Iron and Manganese ore.
Area and Location:	67.4000 hectares in Laquerem, Bordem of Taluka Bicholim (Goa).
Period:	Unlimited.

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice issued to the lessee for modification of the mining lease referred to above.

(i) Period: — To be reduced to 20 years counting from 1-10-1963.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee — Shri Keshav S. Naik and the lessor — the Government of Goa, Daman and Diu, calling upon them to show cause why such modifications/ alterations should not be made in the mining lease deed dated 19-6-1953 held by the lessee.

3. The case was also taken up for hearing on 17-1-1979 and 13-2-1980 for enabling both the parties to put forward their case.

4. The Government of Goa, Daman and Diu have expressed that they have no objection for the proposal to modify mining concessions granted under the erstwhile Portuguese Law into mining leases under the provisions of Mines and Minerals (Regulation and Development) Act, 1957.

5. The lessee submitted an objection-petition dated 21-10-1978 against the modification proposals contained in the show cause notice. At the time of hearing, the attorney and the advocate of the lessee had clearly told that they have no more objections to add to what their client has already stated in his objection-petition referred to above. In view of this, I have gone through the objection-petition submitted by the lessee and I find that none of the objections embodied therein is valid.

6. My findings on the various objections raised by the lessee are as follows: —

(a) The first contention of the lessee is that the rights of the concessionaire are of patrimonial nature and apart from being transferable and heritable are in effect proprietary rights. However, Article 2 of the Portuguese Colonial Mining Laws approved by the Decree of 20th September, 1906 makes it clear that the proprietorship of deposits of metals and metalliferous minerals belongs to the State and such beds cannot be prospected or worked without licence and concession by Government in terms of the said Decree. Moreover, the concession granted for unlimited period is liable to be cancelled, if the concessionaire fails to comply with the conditions which the law and the title of concession impose on him. Besides, the point whether the interests and rights conferred on the lessee by the erstwhile Portuguese Colonial Mining Laws are a lease or are in the nature of an outright grant or sale, has been concluded beyond doubt in the order dated 15-5-1975 of the Central Government Tribunal on the revision-applications filed by the grantees of such mining leases. In view of these, the lessee's contention that he has full proprietary rights on the Government land does not merit any consideration.

(b) As regards the lessee's contention that he holds a mining concession and not a mining lease, and that the Mines & Minerals (Regulation & Development) Act, 1957 does not apply to the Mining concession held by him, it is stated that "mining concession" granted under the Portuguese Colonial Mining Laws and "mining lease" granted under the Mines & Minerals (Regulation & Development) Act, 1957 are the same. Both in Goa at the time of erstwhile Portuguese Regime and in India, the ownership of the mineral rights vest with the Government and that minerals cannot be prospected or mined without a licence or concession granted in Goa or without the lease granted in India. Under both the laws (the Mines & Minerals (Regulation & Development) Act of India and the Portuguese Colonial Mining Laws), the right to continued retention of the concession in Goa or the lease in India is subject to the fulfilment of a number of stipulations, failure to comply with which, may result in the forfeiture of the mining rights. In such cases, the ownership of the concession is reverted to the State. Moreover, in Article 9 of the Portuguese Colonial Mining Laws, the concessionaires have been equated with the lessees. Paras 3 to 8 of the Central Government Tribunal order dated 15-5-1975 also support the fact that the mining concession and the mining lease are synonimous. In view of the position stated above, the applicability of the Act of 1957 to be concessions is beyond doubt.

(c) The further objection raised by the lessee is that the Mines & Minerals (Regulation & Development) Act, 1957 and the Mining Leases (Modification of Terms) Rules, 1956 are ultra vires of the Constitution, and that the proposed action for the modification constitutes an unreasonable restraint on his fundamental right to hold and enjoy the property and is ultra vires of Article 19 (1) (g) of the Constitution of India. Besides, the lessee has also stated in his objection-petition that the Mining Leases (Modification of Terms) Rules, 1956 are ultra vires for want of legislative competence for not providing compensation to him for modifying his lease.

With regard to the lessee's objections regarding the vires of the Mines & Minerals (Regulation & Development) Act and the Mining Leases (Modification of Terms) Rules, 1956, it is stated that this is not the proper forum for the agitation of these objections and hence I am not competent to give the verdict on the constitutionality or validity thereof.

Further, the lessee's contention that the Mining Leases (Modification of Terms) Rules, 1956 are ultra vires for want of legislative competence for not providing compensation for modification of the period-clause of the lease, is not correct. In this connection, it is clarified that a mining lease is not a proprietary right, because the ownership of minerals in land always belongs to the State. A mining right merely confers on the lessee a right to exploit the minerals in accordance with certain stipulations in the lease agreement. For this reason, there cannot be any money value for the reduction of the period of the mining lease held by the lessee.

Moreover, Article 31A(1)(e) of the Constitution provides *inter-alia* that no law providing for the extinguishment or modification of any rights accruing by virtue of any lease for winning any mineral shall be deemed to be void on the ground that it is inconsistent with or takes away or abridges any of the rights conferred by Article 14, 19 or 31 of the Constitution.

(d) The lessee further contends that under clause 2 of Section 4 of the 1962 Regulation, any right acquired under the 1906 Decree is not affected, but saved inspite of extension of the Mines & Minerals (Regulation & Development) Act, 1957, as such right is a vested and subsisting right. In this connection, it is stated that the old Portuguese Mining Laws stands completely repealed with the extension of Mines & Minerals (Regulation &

Development) Act, 1957 to the Union territory of Goa, Daman & Diu. Accordingly, the modification of old mining leases in the said territory for bringing those in conformity with the provisions of the said Act of 1957 and the rules made thereunder cannot be stopped and will have to be carried out keeping in view that Section 16 of the said Act was enforced there with effect from 15-1-1966.

(e) The lessee further contends that the Mining Leases (Modification of Terms) Rules, 1956 are not only ultra vires of the Mines & Minerals (Regulation & Development) Act, 1948 but are equally ultra vires by the reason of legislative incompetence arising from the Constitution. Further, Section 29 of the 1957 Act which was subsequently enacted could not in law adopt Mining Leases (Modification of Terms) Rules, 1956 which were not existent.

The objection to the Mining Leases (Modification of Terms) Rules, 1956, namely that they are ultra vires of the Constitution needs no consideration for the reason already mentioned before. The rules under the Mining Leases (Modification of Terms) Rules, 1956 are not inconsistent with or beyond the scope of the Mines & Minerals (Regulation & Development) Act, 1957, and therefore the 1956 Rules have full statutory force.

Further, under Section 29 of the Act of 1957 the Rules framed under the Act of 1948 should be deemed to have been framed under the Act of 1957 and it should be presumed that the Act of 1957 was in existence when the rules under the Act of 1948 were made.

(f) Clause (c) of Rule 2 of the Mining Leases (Modification of Terms) Rules, 1956, as it stands today, defines "existing mining lease" means a mining lease granted before the commencement of the Mines & Minerals (Regulation & Development) Amendment Act, 1972 and subsisting at such commencement. It follows therefore that the mining leases subsisting in the country on *13-9-1972* i. e. the date on which the amended Act of 1972 came into force, are deemed to be the "existing mining leases" and are therefore required by law to be modified for bringing them into conformity with the provisions of the 1957 Act and the rules made thereunder. As Section 16 of the amended Act of 1972 authorises modification of the mining leases of the country granted on or before 13-9-1972, the lessee's contention that the Controller of Mining Leases has jurisdiction to modify the terms of the leases granted till 1-10-1963 in the Union territory of Goa, Daman & Diu, and that he has *no* jurisdiction to modify the terms of the leases granted after 25-10-1949 in the rest of India, is misconceived.

(g) The lessee further contends in his above cited objection-petition that the dead rent and royalty proposed are excessive and without any justification. This is not correct, as I have not proposed in the show cause notice any rate relating to royalty and dead rent, since all the lease-holders in the country are now under statutory obligation to pay the royalty and dead rent in accordance with the provisions of the Mines & Minerals (Regulation & Development) Act, 1957. The reference of "Royalty" and "Dead Rent" was made in the show cause notice merely for the information of the lessee.

7. Coming now to the specific proposals contained in the show cause notice, the lessee stated in his objection-petition dated 21-10-1978 referred to above that the proposed date of the modification of the period of his lease could be, if at all, with effect from 15-1-1966, and not earlier. With regard to this plea of the lessee, it is to point out that the Mines & Minerals (Regulation & Development) Act, 1957 (excluding Section 16) was extended to the Union Territory of Goa, Daman & Diu with effect from 1-10-1963 & Section 16 thereof from 15-1-1966. In this connection, it is stated that Section 16 confers the power for modification of the mining leases to be brought into conformity with the provisions of the Mines & Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

8. The said Section makes no provision as to from which date the modifications when made with respect to the period of the leases are to take effect. Accordingly, the period of leases modified with respect to the Union Territory of Goa, Daman and Diu under Section 16 should commence with effect from the date when the Act of 1957 was brought into force in the said territory i. e. on *1-10-1963* in the light of the ratio of the decision of the Supreme Court in Gujarat Potteries Works V. B. P. Sud (AIR 1967 SC 964). Therefore, the period of the lease of this case which was proposed to be reduced from 1-10-1963 in the show cause notice is in consonance with law.

9. In my view, no adequate reason has been shown for a departure from the proposals made in the show cause notice.

Order passed accordingly.

Sd/-

(H. N. WANARE)

Controller of Mining Leases for India.

Notification

No. LD/77/1/80-LGL

The following Notification received from the Administrative Tribunal, Goa, Daman and Diu Panaji is hereby published for general information of the public.

R. V. Durbhatker, Under Secretary (Law).

Panaji, 24th March, 1981.

Administrative Tribunal

Notification

No. 2/ADM/TRI/81-F-71

In exercise of the powers conferred on me by the Goa, Daman and Diu Administrative Tribunal Regulation, 1971, paras 2 and 9 and in partial modification of Notification No. 1/ADM/TRI/81-F-71 dated 7-2-1981 published in Official Gazette No. 47, Series II, dated 19-2-1981, I hereby determine that when the Chairman of the Administrative Tribunal is on leave or otherwise unable to function as such and sit in any of the Benches as provided in the above Notification, the Member of the other Bench shall sit as a Member as provided in Sec. 5(2) of the Goa, Daman and Diu Administrative Tribunal Act, 1965, and then the respective Bench will be constituted of both the Members of this Tribunal and will hear the matters as specified in the above Notification.

Dr. J. J. Coelho, Chairman, Administrative Tribunal.

Panaji, 16th March, 1981.

Law Department (Establishment)

Order

No. 1-1-80-LD

In exercise of the powers conferred by rule 17 of the Goa, Daman and Diu Civil Service (Judicial Branch) Rules, 1973, the Administrator of Goa, Daman and Diu is pleased to appoint the following Judicial Officers in Grade II of the Goa, Daman and Diu Civil Service (Judicial Branch) in a substantive capacity with effect from 12-7-1975.

1. Shri Francisco Herculano Cordeiro.
2. Shri Antonio Blasio D'Souza.
3. Shri R. K. Patta.

By order and in the name of the Administrator of Goa, Daman & Diu.

U. D. Sharma, Law Secretary.

Panaji, 26th March, 1981.

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